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EXAMINER

GOODMAN, CHARLES

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,720

Applicant(s)

PACKHAM ET AL.

Examiner

Charles Goodman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-40 is/are pending in the application.
- 4a) Of the above claim(s) 23 and 25-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/422,758.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The Preliminary Amendment filed on April 5, 2001 has been entered.

Election/Restrictions

2. Applicant's election with traverse of Group II, claims 22 and 24, in Paper No. 7 is acknowledged. The traversal is on the ground(s) that because Groups I-IX all recite a common independent claim, these groups cannot be distinct. This is not found persuasive because contrary to Applicant's assertions, the elected group is distinct from the combination of the non-elected groups, since it does not require the particulars thereof as noted in the restriction requirement. Moreover, a search for the elected group does not require a corresponding search for the particulars of the non-elected groups which is a prima facie showing of distinction. For example, the search for the method of Group II does not require a search for the stainless steel substrate nor the non-elongate apertures of Groups I and III. In any event, if claim 22 is found allowable, the Examiner may consider rejoinder of the relevant non-elected claims.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 23 and 25-40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected Groups I and III-XI, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

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Information Disclosure Statement

4. The information disclosure statement filed April 5, 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

It is noted that this particular IDS comprised of three pages of references. Only one copy of the single reference cited in one of those pages was in the file. The rest of the three pages have been crossed out. At first blush, it appears that the crossed out references are pertinent to the merits of the invention, and it is suggested that Applicant submit another IDS with copies for those that have been crossed out unless some of them are already of record.

Specification

5. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.

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1. Field of the Invention.
 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
 - (f) Brief Summary of the Invention.
 - (g) Brief Description of the Several Views of the Drawing(s).
 - (h) Detailed Description of the Invention.
 - (i) Claim or Claims (commencing on a separate sheet).
 - (j) Abstract of the Disclosure (commencing on a separate sheet).
 - (k) Drawings.
 - (l) Sequence Listing (see 37 CFR 1.821-1.825).
6. The disclosure is objected to because of the following informalities:
- i. The specification lacks proper headings. Note *supra*.

Appropriate correction is required.

Drawings

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "118" has been used to designate both a parabolic end skirt (Fig. 1, p. 9, l. 5) and an under cutter (Fig. 11, p. 11, l. 4) and "243" has been used to designate both a cutaway of a mask (Fig. 26, p. 10, l. 13) and a foil aperture patten (p. 23, ll. 1-2, Fig. 27). Correction is required.
8. The drawings are objected to because in Fig. 18, reference "61" should read -- 161 --. Correction is required.
9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "41" and "42" (Fig. 32). Correction is required.
10. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the elongate hair-

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capture slots (e.g. claim 9) must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

Claim Rejections - 35 USC § 112

11. Claims 22 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- i. In claim 22, the phrase “whose shape” lacks clear antecedent basis.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. As best understood, claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Otsuka et al. Figs. 20-23C, c. 10, ll. 1-26.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16. As best understood, claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka et al in view of Schuurman.

Otsuka et al discloses the invention substantially as claimed except that it is not clear which material the substrate is made from, i.e. body of plastics material having an electrically conductive surface coating. However, Schuurman teaches that it is old and well known in the dry-shaver shear plate making art to provide the substrate as claimed. More, particularly, Schuurman teaches a substrate (4, 1) comprising a body of plastics material having an electrically conductive surface coating (1) as a starting point for etching apertures (10) to be formed. See e.g. Figs. 1-6 and c. 2, ll. 20-52. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the method of Otsuka et al with the substrate as taught by Schuurman in order to facilitate the etching of the desired aperture pattern.

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Conclusion


17. Blume, de Juan Jr. et al, Tiholiz et al, Franko et al, Czerner et al, Locke et al, Yada, Otsuka et al (GB 2,272,395), Ivory et al (GB 2,230,871), Fabrique Nationale Herstal (GB 1,472,462), and Belz (GB 596,875) are cited as pertinent art.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703) 308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (703) 308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

cg 
July 1, 2002


Charles Goodman
Primary Examiner
AU 3724

CHARLES GOODMAN
PRIMARY EXAMINER